
HOUSE BILL 2744

State of Washington 60th Legislature 2008 Regular Session

By Representatives Hudgins, Chase, Hasegawa, Schual-Berke, and Upthegrove

Read first time 01/16/08. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to prohibiting lobbying activities by a Washington
2 public ports association; and amending RCW 53.06.030 and 42.17.190.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 53.06.030 and 1989 c 425 s 4 are each amended to read
5 as follows:

6 (1) The port district commissions in this state are empowered to
7 designate the Washington public ports association as a coordinating
8 agency through which the duties imposed by RCW 53.06.020 may be
9 performed, harmonized or correlated. The purposes of the Washington
10 public ports association shall be:

11 ~~((1))~~ (a) To initiate and carry on the necessary studies,
12 investigations and surveys required for the proper development and
13 improvement of the commerce and business generally common to all port
14 districts, and to assemble and analyze the data thus obtained and to
15 cooperate with the state of Washington, port districts both within and
16 without the state of Washington, and other operators of terminal and
17 transportation facilities for this purpose, and to make such
18 expenditures as are necessary for these purposes, including the proper

1 promotion and advertising of all such properties, utilities and
2 facilities;

3 ~~((+2))~~ (b) To establish coordinating and joint marketing bodies
4 comprised of association members, including but not limited to
5 establishment of a federation of Washington ports as described in RCW
6 53.06.070, as may be necessary to provide effective and efficient
7 marketing of the state's trade, tourism, and travel resources;

8 ~~((+3))~~ (c) To exchange information relative to port construction,
9 maintenance, operation, administration and management;

10 ~~((+4))~~ (d) To promote and encourage port development along sound
11 economic lines;

12 ~~((+5))~~ (e) To promote and encourage the development of
13 transportation, commerce and industry;

14 ~~((+6))~~ (f) To operate as a clearing house for information, public
15 relations and liaison for the port districts of the state and to serve
16 as a channel for cooperation among the various port districts and for
17 the assembly and presentation of information relating to the needs and
18 requirements of port districts to the public.

19 (2) A Washington public ports association is prohibited from
20 directly or indirectly engaging in lobbying, as defined in RCW
21 42.17.020(31), and may not expend funds for this purpose.

22 **Sec. 2.** RCW 42.17.190 and 1995 c 397 s 7 are each amended to read
23 as follows:

24 (1) The house of representatives and the senate shall report
25 annually: The total budget; the portion of the total attributed to
26 staff; and the number of full-time and part-time staff positions by
27 assignment, with dollar figures as well as number of positions.

28 (2) Unless authorized by subsection (3) of this section or
29 otherwise expressly authorized by law, no public funds may be used
30 directly or indirectly for lobbying: PROVIDED, This does not prevent
31 officers or employees of an agency from communicating with a member of
32 the legislature on the request of that member; or communicating to the
33 legislature, through the proper official channels, requests for
34 legislative action or appropriations which are deemed necessary for the
35 efficient conduct of the public business or actually made in the proper
36 performance of their official duties: PROVIDED FURTHER, That this
37 subsection does not apply to the legislative branch.

1 (3) Except as provided in subsection (4) of this section, any
2 agency, not otherwise expressly authorized by law, may expend public
3 funds for lobbying, but such lobbying activity shall be limited to (a)
4 providing information or communicating on matters pertaining to
5 official agency business to any elected official or officer or employee
6 of any agency or (b) advocating the official position or interests of
7 the agency to any elected official or officer or employee of any
8 agency: PROVIDED, That public funds may not be expended as a direct or
9 indirect gift or campaign contribution to any elected official or
10 officer or employee of any agency. For the purposes of this
11 subsection, the term "gift" means a voluntary transfer of any thing of
12 value without consideration of equal or greater value, but does not
13 include informational material transferred for the sole purpose of
14 informing the recipient about matters pertaining to official agency
15 business. This section does not permit the printing of a state
16 publication which has been otherwise prohibited by law.

17 (4) A Washington public ports association authorized under chapter
18 53.06 RCW is prohibited from directly or indirectly engaging in
19 lobbying and may not expend funds for this purpose.

20 (5) No elective official or any employee of his or her office or
21 any person appointed to or employed by any public office or agency may
22 use or authorize the use of any of the facilities of a public office or
23 agency, directly or indirectly, in any effort to support or oppose an
24 initiative to the legislature. "Facilities of a public office or
25 agency" has the same meaning as in RCW 42.17.130 and 42.52.180. The
26 provisions of this subsection shall not apply to the following
27 activities:

28 (a) Action taken at an open public meeting by members of an elected
29 legislative body to express a collective decision, or to actually vote
30 upon a motion, proposal, resolution, order, or ordinance, or to support
31 or oppose an initiative to the legislature so long as (i) any required
32 notice of the meeting includes the title and number of the initiative
33 to the legislature, and (ii) members of the legislative body or members
34 of the public are afforded an approximately equal opportunity for the
35 expression of an opposing view;

36 (b) A statement by an elected official in support of or in
37 opposition to any initiative to the legislature at an open press
38 conference or in response to a specific inquiry;

1 (c) Activities which are part of the normal and regular conduct of
2 the office or agency;

3 (d) Activities conducted regarding an initiative to the legislature
4 that would be permitted under RCW 42.17.130 and 42.52.180 if conducted
5 regarding other ballot measures.

6 (~~(+5)~~) (6) Each state agency, county, city, town, municipal
7 corporation, quasi-municipal corporation, or special purpose district
8 which expends public funds for lobbying shall file with the commission,
9 except as exempted by (d) of this subsection, quarterly statements
10 providing the following information for the quarter just completed:

11 (a) The name of the agency filing the statement;

12 (b) The name, title, and job description and salary of each elected
13 official, officer, or employee who lobbied, a general description of
14 the nature of the lobbying, and the proportionate amount of time spent
15 on the lobbying;

16 (c) A listing of expenditures incurred by the agency for lobbying
17 including but not limited to travel, consultant or other special
18 contractual services, and brochures and other publications, the
19 principal purpose of which is to influence legislation;

20 (d) For purposes of this subsection the term "lobbying" does not
21 include:

22 (i) Requests for appropriations by a state agency to the office of
23 financial management pursuant to chapter 43.88 RCW nor requests by the
24 office of financial management to the legislature for appropriations
25 other than its own agency budget requests;

26 (ii) Recommendations or reports to the legislature in response to
27 a legislative request expressly requesting or directing a specific
28 study, recommendation, or report by an agency on a particular subject;

29 (iii) Official reports including recommendations submitted to the
30 legislature on an annual or biennial basis by a state agency as
31 required by law;

32 (iv) Requests, recommendations, or other communication between or
33 within state agencies or between or within local agencies;

34 (v) Any other lobbying to the extent that it includes:

35 (A) Telephone conversations or preparation of written
36 correspondence;

37 (B) In-person lobbying on behalf of an agency of no more than four
38 days or parts thereof during any three-month period by officers or

1 employees of that agency and in-person lobbying by any elected official
2 of such agency on behalf of such agency or in connection with the
3 powers, duties, or compensation of such official: PROVIDED, That the
4 total expenditures of nonpublic funds made in connection with such
5 lobbying for or on behalf of any one or more members of the legislature
6 or state elected officials or public officers or employees of the state
7 of Washington do not exceed fifteen dollars for any three-month period:
8 PROVIDED FURTHER, That the exemption under this subsection is in
9 addition to the exemption provided in (d)(v)(A) of this subsection;

10 (C) Preparation or adoption of policy positions.

11 The statements shall be in the form and the manner prescribed by
12 the commission and shall be filed within one month after the end of the
13 quarter covered by the report.

14 ~~((+6+))~~ (7) In lieu of reporting under subsection ~~((+5+))~~ (6) of
15 this section any county, city, town, municipal corporation, quasi
16 municipal corporation, or special purpose district may determine and so
17 notify the public disclosure commission, that elected officials,
18 officers, or employees who on behalf of any such local agency engage in
19 lobbying reportable under subsection ~~((+5+))~~ (6) of this section shall
20 register and report such reportable lobbying in the same manner as a
21 lobbyist who is required to register and report under RCW 42.17.150 and
22 42.17.170. Each such local agency shall report as a lobbyist employer
23 pursuant to RCW 42.17.180.

24 ~~((+7+))~~ (8) The provisions of this section do not relieve any
25 elected official or officer or employee of an agency from complying
26 with other provisions of this chapter, if such elected official,
27 officer, or employee is not otherwise exempted.

28 ~~((+8+))~~ (9) The purpose of this section is to require each state
29 agency and certain local agencies to report the identities of those
30 persons who lobby on behalf of the agency for compensation, together
31 with certain separately identifiable and measurable expenditures of an
32 agency's funds for that purpose. This section shall be reasonably
33 construed to accomplish that purpose and not to require any agency to
34 report any of its general overhead cost or any other costs which relate
35 only indirectly or incidentally to lobbying or which are equally
36 attributable to or inseparable from nonlobbying activities of the
37 agency.

1 The public disclosure commission may adopt rules clarifying and
2 implementing this legislative interpretation and policy.

--- END ---